

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
 WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),  
 Table of Allotments  
 FM Broadcast Stations  
 (Red Lodge and Joliet, Montana)

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

To: Chief, Allocations Branch  
 Policy and Rules Division  
 Mass Media Bureau

PETITION FOR RULE MAKING

Silver Rock Communications, Inc. (hereafter "SRC"), by its undersigned counsel, hereby respectfully requests that the Commission modify its FM broadcast station Table of Allotments in Section 73.202<sup>1</sup> of the Commission's rules and regulations as follows:

<u>Community:</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Red Lodge, MT	257A	257C1
Joliet, MT	259C3	292C3

<sup>1</sup> 47 CFR 73.202(b).

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In support of this request, the following is respectfully submitted for the consideration of the Commission.

1. SRC is the Commission licensee of KMXE-FM, Red Lodge, Montana. KMXE-FM utilizes the present FM channel 257A allotment at Red Lodge, Montana. SRC desires to expand the coverage area for KMXE-FM in order to provide a greater and more reliable broadcast service for the residents of Red Lodge and the surrounding area. SRC has ascertained that the facilities of KMXE-FM can be up-graded from that station's current transmitter site and on it's current channel in the event that the FM channel 259C3 allotment at Joliet were modified.

2. The current FM channel 259C3 allotment at Joliet, Montana is vacant. As a result of the Commission's 'freeze' on the filing of applications for new commercial FM stations, the allotment is not presently available for use<sup>2</sup>.

3. SRC's engineering consultant, Mr. Dennis Silver, has ascertained that FM channel 292C3 can be substituted at Joliet, Montana for the current FM channel 259C3 allotment using the geographic coordinates for that allotment. This substitution will allow for the same class of FM station to operate at Joliet, a Class C3 facility. Accordingly, the SRC proposal herein

will allow for KXME-FM to significantly increase its service area without any diminution of the service area that will be provided in the future by a station operating on the vacant Joliet FM allotment.

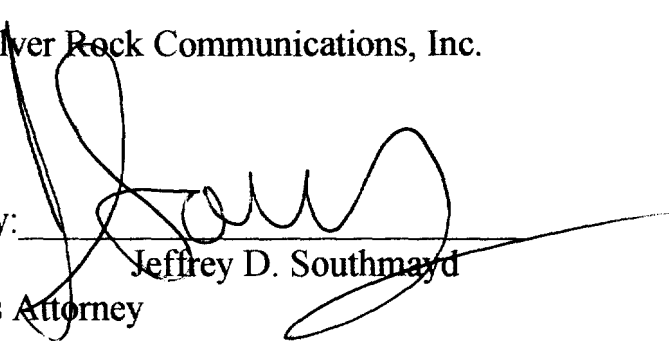
4. In the event the Commission adopts this proposal, SRC will promptly file the necessary application to up-grade the license for KXME-FM in conformity with the new allocation, and will place the station into operation with the improved facilities.

Accordingly, Silver Rock Communications, Inc. respectfully requests that the Commission issue a notice of proposed rule making in conformity with this petition.

Respectfully submitted,

Silver Rock Communications, Inc.

By:

  
Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller  
1220 19<sup>th</sup> Street, N.W.  
Suite 400  
Washington, D.C. 20036  
(202) 331-4100

Date: November 9, 1999

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<sup>2</sup> See, General Action Report No. GN-97, released November 25, 1997.

# ENGINEERING STATEMENT

## NEW FM ALLOCATION CHANNEL 285C3 Red Lodge, Montana William S. Silver Rock

### I. INTRODUCTION.

Purpose. This statement has been prepared by Dennis Silver, P.E., Consulting Radio Engineer, for the petitioner, Silver Rock Communications, Inc., who seeks to have the Commission amend the FCC FM Table of Assignments to specify the replacement of Channel 257A with Channel 257C1 at Red Lodge, Montana.<sup>1</sup> Because the recently made allotment for Joliet, Montana is too close to Red Lodge, it is also requested that the allotment for Joliet, Montana be changed from 259C3 to 292C3. This petition for rulemaking, if granted, will provide the area surrounding city of Red Lodge with improved FM Broadcast service, particularly for many who go to Red Lodge to do business, but who do not now have primary FM service from a station licensed to serve Red Lodge.

I, Dennis Silver, was retained by Silver Rock Communications, Inc. to conduct an engineering determination concerning the feasibility of upgrading the assigned FM channel at Red Lodge, Montana. I am a Consulting Radio Engineer with offices at 3404 West 2640 South, West Valley City, Utah. I am licensed in the State of Utah as a Professional Engineer, license number 168212

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<sup>1</sup> Petitioner is the licensee of Class A FM Station KMXE, Red Lodge, Montana which operates on Channel 257A.

(formerly 7096), and my qualifications are a matter of record with the Commission. This engineering exhibit was prepared pursuant to my employment by Silver Rock, Communications, Inc.

## II. LOCATION.

Many rural areas near Red Lodge which regard themselves as part of the Red Lodge community are not now well served by the Red Lodge FM station due to the limited facilities of the station. Much of the Red Lodge trading area that is not presently served by the Red Lodge FM Station is also not within the 60 dbu contour of other primary commercial FM stations. The upgraded allocation, if granted and constructed at the present licensed site for the station, will add FM service to approximately 5660 square kilometers of which about 1850 square kilometers<sup>2</sup> does not now receive primary FM service.

The Geographical Coordinates for the present Red Lodge allotment are:

45° 11' 36" North Latitude 109° 19' 53" West Longitude.

Red Lodge is presently served by KMXE (257A), which is licensed to the petitioner, and the coordinates of the present location of KMXE, Red Lodge are:

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<sup>2</sup>The area was determined by plotting contours calculated on eight radials for each station using the procedure of §73.313 of the rules. Cubic spline interpolation was used between radials. The relative areas were measured with a LASICO Model L-30 Compensating Polar Planimeter to determine the no service now gain area, and piecewise integration was used to determine the full coverage areas. Terrain data was obtained by linearly interpolating the USGS-DMA 03 second database.

45° 11' 39" North Latitude 109° 20' 32" West Longitude.

The requested channel meets all allocation spacing and coverage requirements at either location.

### III. POSSIBLE CHANNEL FOR USE AT Red Lodge.

As noted above, Class C1 facilities are desirable to insure that the city of Red Lodge and the surrounding areas that use Red Lodge as their business center may have more adequate radio service. It appears from a careful study of the FM assignments, allocations and proposed rule makings that Channel 257C1 meets this requirement provided that the recently added allotment for Joliet, Montana is changed from 259C3 to 292C3 at the same allotment location for Joliet.

### IV. REQUESTED ALLOCATION.

Accordingly, it is respectfully requested that Section 73.202 of the FCC Rules and Regulations be amended as follows:

COMMUNITY	EXISTING	PROPOSED
Red Lodge, MT.	257A	257C1
Joliet, Mt	259C3	292C3

It is the petitioner's intention to apply for a construction permit to operate, and (upon grant of the permit) to construct the upgraded facilities and operate same. As the commission has not yet accepted any applications for the Joliet, MT

allotment, the requested change will have no impact upon the eventual operator of that possible facility.

#### V. ALLOCATION STUDY.

The following Table I shows the location of, distances to, and required separations with respect to co-, adjacent and I.F. spaced channels for Channel 257C1, at the site presently used by petitioner's station, KMXE. Channel 257C1 may be allocated to Red Lodge, Montana without a site restriction, and Table II shows the same information with respect to the present allotment coordinates for Red Lodge. Table III gives the allocation constraints for the proposed reallotment of Channel 292C3 for Joliet, MT. at the same coordinates as the present allotment.

TABLE I

#### Constraints Study FM Channel 257C1

Title: KMXE licensed Site					Latitude: 45-11-39			
Reference City: Red Lodge, MT					Longitude: 109-20-32			
Translators Are Not Included					FCC Database: 991019			
Call City	Auth of License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
Lockwood	NEW	MT	203C2 88.5		45-45-36 108-27-06	47.5 228.1	93.6 66.6	27 CLEAR
KUPI Idaho Falls	LIC	ID BLH851101KB	256C1 99.1	100 176	43-32-33 111-53-04	228.6 46.8	272.9 95.9	177 CLEAR
Belgrade	ALLOT	MT	256A 99.1		45-46-36 111-10-36	295.0 113.7	156.9 23.9	133 CLEAR
NEW Belgrade	APP	Gallatin Valley Witness MT BPH970728MK	256A 99.1	6 61	45-46-07 111-13-21	294.2 112.9	159.8 26.8	133 CLEAR
NEW Belgrade	APP	Big Moose Communication MT BPH970730ME	256A 99.1	6 -35	45-44-37 111-00-58	295.7 114.5	144.0 11.0	133 CLOSE

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Constraints Study FM Channel 257C1, continued.

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
NEW Belgrade	APP	Scott D Parker MT BPH970728MJ	256A 99.1	6.0 6.0	45-46-36 111-10-36	295.0 113.7	156.8 23.8	133 CLEAR
NEW Belgrade	APP	Danna B Illis MT BPH970731ML	256A 99.1	4.1 121	45-41-34 110-58-57	294.0 112.8	139.4 6.3	133 CLOSE
NEW Lost Cabin	CP	Idaho Broadcast'g Con. WY BPH971021MA	256C 99.1	85 645	43-26-15 107-59-46	150.8 331.7	222.6 13.6	209 CLOSE
USED Lost Cabin	ALLOT	WY	256C 99.1		43-24-55 107-27-08	142.1 323.4	248.3 39.3	209 CLEAR
USED Red Lodge	ALLOT	MT	257A 99.3		45-11-36 109-19-53	96.2 276.2	0.9 199.1	200 SHORT
KMXE Red Lodge	LIC	Silver Rock Comm. Inc. MT BLH961002KC	257A 99.3	0.46 353	45-11-39 109-20-32	0.0 0.0	0.0 200.0	200 SHORT
USED Colstrip	ALLOT	MT	258A 99.5		45-53-42 106-36-38	68.9 250.9	226.4 93.4	133 CLEAR
NEW Colstrip	CP	Brian M Encke MT BMPH990616IC	258A 99.5	3.0 135	45-53-42 106-36-38	68.9 250.9	226.4 93.4	133 CLEAR
KBLLFM Helena		Holter Broadcst. Corp. MT BLH841107KK	258C1 99.5	30 241	46-46-12 112-01-22	311.2 129.3	271.1 94.1	177 CLEAR
USED Helena	ALLOT	MT	258C1 99.5		46-46-12 112-01-22	311.2 129.3	271.1 94.1	177 CLEAR
Vacant Joliet	ALLOT	MT	259C3 99.7		45-29-06 108-58-18	41.7 222.0	43.4 32.6	76 *SHORT
*Note: The instant petition proposes moving this allotment to channel 292C3								
USED Bozeman	ALLOT	MT	260C1 99.9		45-40-54 111-02-18	292.9 111.7	142.9 37.9	105 CLEAR
KZLO Bozeman	LIC	Reier Brdcst'g Co. Inc. MT BLH930420KC	260C1 99.9	100 103	45-41-34 110-58-57	294.0 112.8	139.4 34.4	105 CLEAR

End of Constraints Study FM Channel 257C1

TABLE II  
Constraints Study FM Channel 257C1

Title: Red Lodge present allotment coordinates Latitude: 45-11-36  
Reference City: Red Lodge, MT Longitude: 109-19-53  
Translators Are Not Included FCC Database: 991019

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
Lockwood	NEW	MT	203C2 88.5		45-45-36 108-27-06	47.1 227.7	93.1 65.9	27 CLEAR

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Constraints Study FM Channel 257C1, concluded.

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
KUPI Idaho Falls	LIC	ID BLH851101KB	256C1 99.1	100 176	43-32-33 111-53-04	228.6 46.8	273.4 96.4	177 CLEAR
Belgrade	ALLOT	MT	256A 99.1		45-46-36 111-10-36	294.9 113.6	157.7 24.7	133 CLEAR
NEW Belgrade	APP	Gallatin Valley Witness MT BPH970728MK	256A 99.1	6 61	45-46-07 111-13-21	294.1 112.8	160.6 27.6	133 CLEAR
NEW Belgrade	APP	Big Moose Communication MT BPH970730ME	256A 99.1	6 -35	45-44-37 111-00-58	295.6 114.4	144.8 11.8	133 CLOSE
NEW Belgrade	APP	Scott D Parker MT BPH970728MJ	256A 99.1	6.0 6.0	45-46-36 111-10-36	294.9 113.6	157.7 24.7	133 CLEAR
NEW Belgrade	APP	Danna B Illis MT BPH970731ML	256A 99.1	4.1 121	45-41-34 110-58-57	293.9 112.7	140.2 7.2	133 CLOSE
NEW Lost Cabin	CP	Idaho Broadcast'g Con. WY BPH971021MA	256C 99.1	85 645	43-26-15 107-59-46	151.0 331.9	222.1 13.1	209 CLOSE
USED Lost Cabin	ALLOT	WY	256C 99.1		43-24-55 107-27-08	142.2 323.6	247.7 38.7	209 CLEAR
USED Red Lodge	ALLOT	MT	257A 99.3		45-11-36 109-19-53	0.0 0.0	0.0 200.0	200 SHORT
KMXE Red Lodge	LIC	Silver Rock Comm. Inc. MT BLH961002KC	257A 99.3	0.46 353	45-11-39 109-20-32	276.2 96.2	0.9 199.1	200 SHORT
USED Colstrip	ALLOT	MT	258A 99.5		45-53-42 106-36-38	68.8 250.8	225.6 92.6	133 CLEAR
NEW Colstrip	CP	Brian M Encke MT BMPH990616IC	258A 99.5	3.0 135	45-53-42 106-36-38	68.8 250.8	225.6 92.6	133 CLEAR
KBLLFM Helena		Holter Broadcast Corp. MT BLH841107KK	258C1 99.5	30 241	46-46-12 112-01-22	311.1 129.2	271.8 94.8	177 CLEAR
USED Helena	ALLOT	MT	258C1 99.5		46-46-12 112-01-22	311.2 129.3	271.8 94.8	177 CLEAR
Vacant Joliet	ALLOT	MT	259C3 99.7		45-29-06 108-58-18	40.8 221.0	42.9 33.1	76 SHORT
*Note: The instant petition proposes moving this allotment to channel 292C3								
USED Bozeman	ALLOT	MT	260C1 99.9		45-40-54 111-02-18	292.8 111.6	143.7 38.7	105 CLEAR
KZLO Bozeman	LIC	Reier Brdcst'g Co.Inc. MT BLH930420KC	260C1 99.9	100 103	45-41-34 110-58-57	293.9 112.7	140.2 35.2	105 CLEAR

End of Constraints Study FM Channel 257C1

TABLE III

Constraints Study FM Channel 292C3

Title: Joliet, Montana (present allotment location) Latitude: 45-29-06  
Reference City: Joliet, MT Longitude: 108-58-18  
Translators Are Not Included FCC Database: 991019

Call City of	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
KMHK Hardin	LIC	Citidel License, Inc. MT BMLH940627KZ	238C 95.5	100. 300	45-44-29 108-08-19	66.0 246.6	71.0 40.0	31 CLEAR
USED Hardin	ALLOT	MT	238C 95.5		45-44-29 108-08-19	66.0 246.6	71.0 40.0	31 CLEAR
VACANT Manhattan	ALLOT	MT	289A 105.7		45-51-12 111-19-42	283.5 101.8	188.1 146.1	42 CLEAR
VACANT Broadview	PRM	Windy Valley Broadcac MT	290C3 105.9		46-06-00 108-52-36	6.2 186.2	68.8 25.8	43 CLEAR
VACANT Shoshoni	PRM	Windy Valley Broadcac WY	290C 105.9		43-14-06 108-06-36	164.4 345.0	259.3 163.3	96 CLEAR
USED Great Falls	ALLOT	MT	291C1 106.1		47-31-57 111-16-41	323.1 141.4	288.1 144.3	144 CLEAR
KQDIFM Great Falls	LIC	Sunbrook Communicatio MT	291C1 106.1	100. 113	47-32-23 111-17-06	323.1 141.4	289.3 145.3	144 CLEAR
USED Shelly	ALLOT	ID	292C1 106.3		43-06-45 112-29-34	228.0 45.5	385.3 174.3	211 CLEAR
KBJX Shelly	CP MOD	ID	292C1 106.3	100. 194	43-32-34 111-53-07	228.0 45.9	316.6 105.6	211 CLEAR
VACANT Lockwood	ALLOT	MT	294A 106.7		45-49-09 108-24-41	49.2 229.6	57.2 15.2	42 CLEAR

End of Constraints Study FM Channel 292C3

VI. CONCLUSION.

The allocation proposed in this petition, if granted, can provide for service consistent with Section 73.315(a) of the rules to the entire city of Red Lodge and improve service to the surrounding area. It is believed to be in the public interest, convenience and necessity that this petition be granted.

VII. CERTIFICATION.

Dennis Silver, under penalty of perjury, states that the statements in this report are true and accurate based on his own knowledge or upon information supplied to him which he believes to be true.

A handwritten signature in black ink, appearing to read 'Dennis Silver', with a large, sweeping loop at the end.

Dennis Silver  
Registered Professional  
Engineer, State of Utah  
Registration No. 168212  
Formerly Number 7096

Signed this 27 th day of October, 1999.